PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY , NOVEMBER 12 , 19 91

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE COUNCIL CHAMBERS Tuesday EVENING November 12 ,19 91 , IN Regular SESSION. PRESIDENT Samuel J. Talarico IN THE CHAIR, COUNCIL ATTORNEY Stanley A. Levine , AND Sandra E. Kennedy CITY CLERK, AT THE DESK, PRESENT THE FOLLOWING MEMBERS VIZ:

BRADBURY , BURNS Present , EDMONDS Present ,
GiaQUINTA Present , HENRY Present , LONG Present ,
REDD , SCHMIDT Present , TALARICO Present ,

ABSENT:

COUNCILMEMBER: , ,
, ,

THE MINUTES OF THE LAST REGULAR October 22 ,19 91
,19 ,
SPECIAL ,19 ,

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION, APPROVED AND PUBLISHED.

THE COUNCIL THEN ADJOURNED

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana, and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings the Common Council of the City of Fort Wayne, Indiana, for its Regular Session, held on 12th day of November, 19 91, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 12th day of November, 19 91.

Sandra E. Kennedy

City Clerk

The City of Fort Wayne

29 October 1991

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of a dedicated plat.

The proposed ordinance is designated as:

BILL NO. G-91-10-13

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
29th day of October 1991.

Robert Hutner
Secretary

FACT SHEET

G-91-10-13
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON
Plat Vacation Ordinance		

DETAILS

Specific Location and/or Address

Engle Ridge North

Reason for Project

To allow a replatting.

Discussion (Including relationship to other Council actions)

21 October 1991 - Public Hearing

John Ray, attorney representing the petitioners appeared before the Commission. He stated that the current Engle Ridge North plat has become functionally obsolete. He stated that it has become that way because Clubview Drive as originally platted runs into the flood plain. He stated that they could not build on some of the lots, as originally proposed, due to the new flood plain designation. He stated that the cost to expand that road into the flood plain, with the conditions that are there, would be very expensive. He stated that the proposed plat remedies those situations.

There was no one else present who wished to speak in favor of or in opposition to the proposed vacation.

28 October 1991 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Engle Ridge Corporation City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	[X] For [ ] Against Reason Against
Board or Commission Recommendation	By [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pass

DETAILS

Of the eight (8) members present, seven (7) voted in favor of the motion, one (1) did not vote.

Motion carried.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date 19 September 1991

Projected Completion or Occupancy Date 29 October 1991

Fact Sheet Prepared by Date 29 October 1991

Patricia Biancaniello

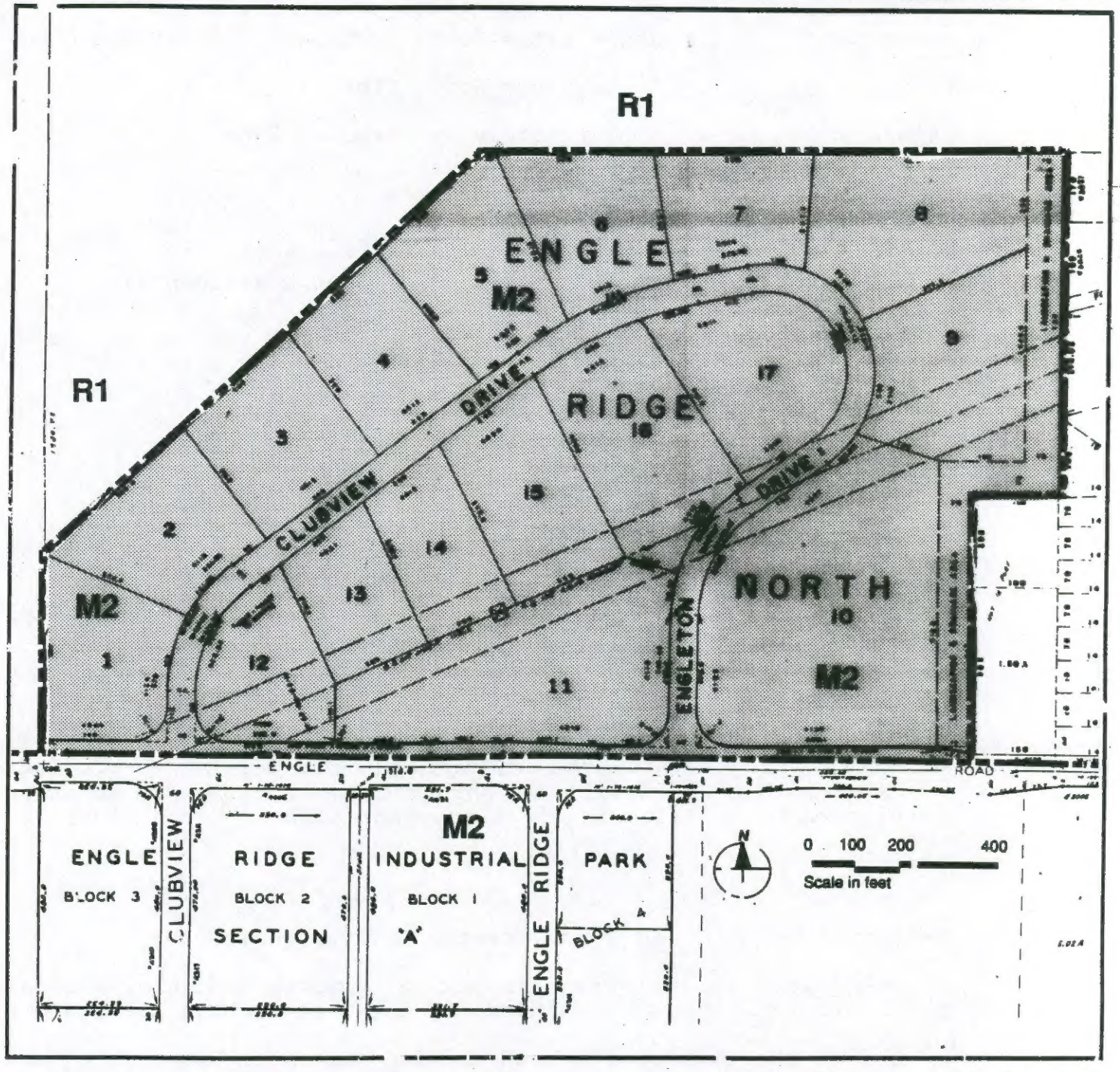
Reviewed by Date 4 November 1991

Reference or Case Number

VACATION PETITION

AREA MAP

CASE NO. #489



COUNCILMANIC DISTRICT NO. 4

Map No. G-11
LW 9-25-91

R1	One-Family	B	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

S. Fletcher Moppert, agent, requests the vacation of plat of Engle Ridge North.

Location:	Engle Ridge North is located off of Engle Rd.		
Legal:	Engle Ridge North Plat		
Land Area:	Approximately 50 acres of land.		
Zoning:	Industrial		
Surroundings:	North	R-1	Open
	South	M-2	Industrial
	East	R-1	Open & Residential
	West	R-1	Open

Reason for Request: To allow a replatting.

Neighborhood Assoc.: None

Planning Staff Discussion:

The petitioners state that the existing plat is functionally obsolete. According to their petition, they are proposing a new plat with would enhance the area surrounding the development.

The re-plat of this ground has also been submitted, so that the Plan Commission will have a clear picture of the proposals before them. The new plat will include some additional ground at the northwest corner.

The petitioner needs to be advised that under state law this vacation will effect -the unimproved right-of-way, but the improved public ways will be unaffected. A separate petition would have to be filed in order to vacate the improved right-of-way.

Recommendation: Do Pass, for the following reasons:

1) The existing development is not consistent with the original plat, which has caused conditions in the area to have changed.

2) All of the owners of ground in the existing plat have agreed to the vacation and replatting of the ground.

3) With the replat, no property's access to public ways will be impacted, nor will the vacation have any effect on the continued growth of the area.

RESOLUTION 79-138-5

WHEREAS, ENGLE RIDGE CORPORATION has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated plat situated in Fort Wayne, Allen County, to-wit:

Engle Ridge North

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated plat has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Pubilc Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated plat hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said plat hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated plat or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, CHARLES E. LAYTON, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held OCTOBER 30, 1991 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 30 DAY OF OCTOBER 1991

FORT WAYNE BOARD OF PUBLIC WORKS

Charles E. Layton
Director of Public Works

Katherine A. Carrier
Member, Board of Public Works

Douglas M. Lehman
Director of Administration & Finance

RESOLUTION

WHEREAS, ENGLE RIDGE CORPORATION has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated plat in Fort Wayne, Allen County, to-wit:

Engle Ridge North

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 36-7-4-12.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on October 21, 1991 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated plat.

WHEREAS, said vacation of dedicated plat has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated plat hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated plat hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated plat or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated plat in Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held October 28, 1991, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 29th DAY OF October 1991

FORT WAYNE CITY PLAN COMMISSION

Robert Hutner
Secretary